

EXHIBIT 43

to the Declaration of
Dean M. Harvey in Support of
Plaintiffs' Opposition Briefs

From: Donna Morris [dcmorris@adobe.com]
Sent: Monday, January 24, 2005 11:29 AM
To: 'Maria Rodriguez-Keely'; 'Ellen Swarthout'
Subject: RE: Out-of-cycle adjustments, Compression - Mtg. w/ D. Morris 1/18/05

Thank you both for opening this discussion. Let me know how the overall staffing team can help to provide you with market trends from the recruitment viewpoint.

d

Donna Morris
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From: Maria Rodriguez-Keely [mailto:mrodrigu@adobe.com]
Sent: Monday, January 24, 2005 8:42 AM
To: 'Ellen Swarthout'
Cc: dcmorris@adobe.com
Subject: Out-of-cycle adjustments, Compression - Mtg. w/ D. Morris 1/18/05

Ellen,

I met with Donna Morris on 1/18/05 regarding her concerns about internal inequity due to compression (the market driving pay for new hires above that of current employees). The following is a summary of her comments, some of our discussion points and next steps to consider:

Summary:

- Agrees we need to pay within the range and feels our salary ranges are competitive but has a concern about Adobe being competitive on the cash side
- Reality is new hires are requiring base pay at or above the midpoint due to an increasingly aggressive market.
 - Adobe has a strong message we want to hire top performers and they come at a premium
 - 10% of Adobe's offers are being rejected
 - Candidate's company is counter-offering
 - Better offers, not just better scope and title but more pay
 - Microsoft and Yahoo and frequently named as companies where some of our candidates are going
- She has a hunch the gap is widening for our longer-term employees' base pay and that of new hires; current employees base pay is lower in the range than that of new hires.
- Addressing compression:
 - We discussed having done special adjustments in India in late 2004 due to a very aggressive market. Donna feels we have similar issues in US and other locations just not as apparent.
 - Advised Donna our budget for FY2005 is set. However, the E-Team is open to out-of-cycle adjustments review for India and China in FY2005. There may not be budget in FY2005 to address compression but could look at it for FY2006 if market remains aggressive.
 - Philosophy: How do we educate the E-Team on this issue and managers on how to use the range? Do we see an issue especially for high performing employees? How do we value internal equity versus the market?
- Next steps:
 - Look at data. Compare pay of new hires for FY2004 (< 1 year) versus current employees > 1 year up to 3 years (and may wish to look at those 3 to 5 years). Agree to methodology.